

FRANCIS PELLECIER—ADMINISTRATOR OF.

FEBRUARY 29, 1840.

Laid on the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom was committed the memorial of the administrator on the estate of Francis Pellecier, deceased, report :*

That, from the petition, it appears that, under the act of Congress passed on the 26th June, 1834, entitled "An act for the relief of the people of East Florida," the judge of the eastern district of Florida awarded to the estate of said Pellecier the sum of five thousand dollars, as indemnity for a quantity of rum saved by said Pellecier from a wreck, which, the claimant alleges, was subsequently destroyed in consequence of the operations of the troops of the United States: that the Secretary of the Treasury, upon a review of the case, awarded twenty-five hundred dollars to said estate, as a just and equitable amount to be awarded; which latter sum was paid. The claimant was not satisfied with the amount, and requested the Secretary of the Treasury to review his decision, which he did not feel authorized to do; and the petitioner now asks Congress to allow to him the amount awarded by the district judge of Florida.

There is no proof adduced to show that the opinion of the Secretary of the Treasury was in any respect erroneous, in fixing the amount of salvage at twenty-five hundred dollars. But the claimant appears to rest his claim upon the principle, that the decision of the judge was conclusive; and that the duties of the Secretary of the Treasury, under the act of Congress, were merely ministerial, for the purpose of paying the amount awarded by the judge; and that there were no judicial powers delegated to the Secretary of the Treasury by the act of Congress.

The committee have, therefore, examined said act of Congress, and are clearly of opinion that it was the duty of the Secretary to examine each case presented to him, and to pay no award of said district judge unless he deemed the sum to be just. This appears to have been the view entertained by the Secretary of the Treasury; and, in accordance with such view, he adjudicated upon the claim now presented. In doing this, the committee think he discharged a legal duty, which he could not, with propriety, avoid. It is not alleged that injustice has been done to the claimant, or that he has not received a full, just, and equitable compensation for the services rendered. The committee, therefore, recommend to the House, for adoption, the following resolution:

*Resolved, That the petitioner is not entitled to relief.*

FRANCIS PELLECER—ADMINISTRATOR OF

FEBRUARY 29, 1849

Laid on the table.

M. GIDPOIN, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was committed the memorial of the administrator on the estate of Francis Pellicer, deceased, report:

That from the petition it appears that, under the act of Congress passed on the 26th June 1834, entitled "An act for the relief of the people of East Florida," the judge of the eastern district of Florida awarded to the estate of said Pellicer the sum of five thousand dollars as indemnity for a quantity of ruin saved by said Pellicer from a wreck, which, the claimant alleges, was subsequently destroyed in consequence of the operations of the troops of the United States: that the Secretary of the Treasury, upon a review of the case, awarded twenty-five hundred dollars to said estate, as a just and equitable amount to be awarded; which latter sum was paid. The claimant was not satisfied with the amount, and requested the Secretary of the Treasury to review his decision, which he did not feel authorized to do; and the petitioner now asks Congress to allow to him the amount awarded by the district judge of Florida.

There is no proof adduced to show that the opinion of the Secretary of the Treasury was in any respect erroneous, in fixing the amount of salvage at twenty-five hundred dollars. But the claimant appears to rest his claim upon the principle, that the decision of the judge was conclusive; and that the duties of the Secretary of the Treasury, under the act of Congress, were solely ministerial, for the purpose of paying the amount awarded by the judge; and that there were no judicial powers delegated to the Secretary of the Treasury by the act of Congress.

The committee have, therefore, examined said act of Congress, and are of opinion that it was the duty of the Secretary to examine each case presented to him, and to pay up award of said district judge unless he considered the sum to be just. This appears to have been the view entertained by the Secretary of the Treasury; and in accordance with such view he adjudicated upon the claim now presented. In doing this, the committee think he discharged a legal duty which he could not with propriety avoid. It is not alleged that injustice has been done to the claimant, as that he has not received a full just and equitable compensation for the services rendered. The committee, therefore, recommend to the House, for

Resolved, That the petitioner is not entitled to relief.

That a bill be passed